

Massachusetts Department of Telecommunications and Energy  
Telecommunications Division  
100 Cambridge St.  
Boston, MA 02202

Re: Massachusetts Slamming Law

December 3, 1998

Beginning on December 10, 1998, legislation protecting consumers from the unauthorized switching of their local and long distance telecommunications service providers will go into effect in Massachusetts. Failure to comply with this new "Slamming Law," G.L. c. 93, §§ 108-113, may result in significant financial penalties and, possibly, a one year prohibition from selling telecommunications services in the state. (A copy of the new Slamming Law can be viewed or downloaded from the Department of Telecommunications and Energy's "Telecom" web page at [www.state.ma.us/dpu/telecom](http://www.state.ma.us/dpu/telecom).)

Over the next several months, as required by the statute, the Department will be promulgating regulations implementing certain provisions of the Slamming Law. Advanced notice of this rulemaking will be provided to all carriers to allow for their participation in the rulemaking process.

According to the statute, in order for a change in a customer's primary long distance or local service carrier to be authorized, the carrier that initiated the change must obtain from the customer either written confirmation in the form of a signed letter of agency or oral confirmation evidenced by a tape recorded call made by a third party verification ("TPV") company. See G.L. c. 93, § 109. The Department of Telecommunications and Energy ("Department") is given the authority under § 109(c)(5) to waive the tape recording requirement if the requesting carrier demonstrates that its TPV system ensures a level of protection for consumers equivalent to that of recording. To date, two carriers, AT&T Communications of New England Inc. ("AT&T") and Sprint Communications Company, L.P., ("Sprint") have petitioned the Department for such a waiver. The Department will rule on AT&T's petition, docketed as D.T.E. 98-94, within the next week. Sprint's petition, docketed as D.T.E. 98-115, is being investigated separately.

To expedite consideration of future petitions, the Department requests that carriers intending to seek similar waivers of the tape recording requirement file their petition by December 21, 1998. The Department will consolidate these petitions into one docket and will act on them in a timely fashion. A petition seeking this waiver should contain a detailed description of the carrier's verification system along with an explanation of how the system provides a level of protection for consumers equivalent to that of audio recording. An order of notice announcing the public hearing for this consolidated proceeding will be issued by the Department at a later date.

Pursuant to § 12E(a)(3) of the Slamming Law, any company that provides TPV services must register with the Department. Carriers that will be contracting with TPV companies should ensure that such companies are registered with the Department. TPV companies seeking to register with the Department should complete the "Third Party Verification Service Provider Registration Form" and submit it to the Department for approval. (A copy of the TPV Registration Form may be downloaded from the Department's Telecom web page.)

Should you have any questions about this letter or the Slamming Law, please call me at (617) 305-3540.

Sincerely,  
Michael Isenberg  
Director, Telecommunications Division